

AGREEMENT
BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA
AND
THE GOVERNMENT OF THE REPUBLIC OF TAJIKISTAN
REGARDING THE SURRENDER OF PERSONS TO
THE INTERNATIONAL CRIMINAL COURT

The Government of the United States of America and the Government of the Republic of Tajikistan, hereinafter referred as "the Parties",

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that the Parties express their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by its officials, employees, military personnel and other nationals,

Bearing in mind Article 98 of the Rome Statute,

Hereby agrees as follows;

1. For the purpose of this agreement, "persons" are current or former Government officials, employee (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of one of the other shall not, absent the expressed consent of the first Party,
 - (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or
 - (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for any purpose of surrender to or transfer to the International Court.
3. When the United States extradites, surrenders, or otherwise transfers a person of the other Party to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the expressed consent of the Government of the Republic of Tajikistan.
4. When the Government of the Republic of Tajikistan extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Tajikistan will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the expressed consent of the Government of the United States.
5. Each Party agrees, subject to its international legal obligations, not to knowingly facilitate, consent to, or cooperate with efforts by any third party

or country to effect the extradition, surrender, or transfer of a person of the other Party to the International Criminal Court.

6. This Agreement shall not refer to the right and obligations of the Parties, subject to other international agreements, the Parties are members to.

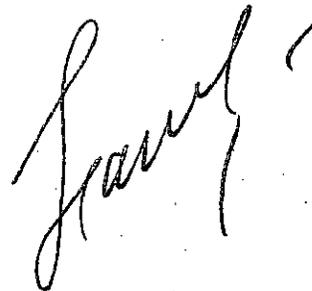
7. This Agreement shall enter into force upon an exchange of notes confirming that each Party has completed the necessary domestic legal requirements to bring the Agreement into force. It will remain in force one year after the date on which one Party notifies the other of its intent to terminate this Agreement. The provision of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

Done on August "25th" 2002 in Dushanbe in two original copies, each in English, Tajik, and Russian. In case any disputes arises in regard to interpretation of the text of this Agreement the English version shall have an advantage.

FOR THE GOVERNMENT OF THE
UNITED STATES OF AMERICA

Handwritten signature of Frank B. Rowland, Ambassador to Dushanbe.

FOR THE GOVERNMENT OF THE
REPUBLIC OF TAJIKISTAN

Handwritten signature of the representative of the Republic of Tajikistan.